

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GERMAN ORTIZ LUEVANO,

Defendant.

4:15CR3039

ORDER

Defendant Luevano has moved to continue the pretrial motion deadline, (filing no. 47), because the defendant has recently received additional discovery from the government and needs to review that discovery before deciding if pretrial motions should be filed. The motion to continue is unopposed. Based on the showing set forth in the motion, the court finds the motion should be granted. Accordingly,

IT IS ORDERED:

- 1) Defendant Luevano's motion to continue, (filing no. 47), is granted.
- 2) **As to both defendants**, pretrial motions and briefs shall be filed on or before August 19, 2016.
- 3) **As to both defendants**, trial of this case is continued pending resolution of any pretrial motions filed.
- 4) The ends of justice served by granting the motion to continue outweigh the interests of the public and the defendant in a speedy trial, and
 - a. **As to both defendants**, the additional time arising as a result of the granting of the motion, the time between today's date and August 19, 2016, shall be deemed excludable time in any computation of time under the requirements of the Speedy Trial Act, because although counsel have been duly diligent, additional time is needed to adequately prepare this case for trial and failing to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(1), (h)(6) & (h)(7).
 - b. Failing to timely file an objection to this order as provided in the local rules of this court will be deemed a waiver of any right to later claim the time should not have been excluded under the Speedy Trial Act.

July 20, 2016.

BY THE COURT:
s/Cheryl R. Zwart
United States Magistrate Judge